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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,219	12/28/2001	Christophe Ronsin	065691-0263	1844

22428 7590 03/25/2003

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EXAMINER
NICKOL, GARY B

ART UNIT	PAPER NUMBER
1642	9

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,219	RONSIN ET AL.	
	Examiner	Art Unit	
	Gary B. Nickol Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-36 are pending.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-5, 7-8, 17, and 21-23, drawn to the special technical feature of peptides of SEQ ID NO:1 and 2, methods of identifying similar peptides, and pharmaceutical compositions thereof.

Group 2, claim(s) 6, drawn to the special technical feature of a method for revealing artificial point mutations or mutations capable of increasing the immunogenicity of peptide compounds comprising determining fragments which possess a sequence of approximately 9 to 10 amino acids comprising an anchoring motif for a given HLA molecule further comprising carrying out an Elispot assay.

Group 3, claim(s) 9-13, 15, and 18-19, drawn to the special technical feature of DNA, vectors, host cells comprising said vectors, and pharmaceutical compositions thereof.

Group 4, claim(s) 14, 16, 20, drawn to the special technical feature of a dendritic cell loaded with peptide compounds and pharmaceutical compositions thereof.

Group 5, claim(s) 24-25, 28 drawn to the special technical feature of use of a peptide compound for manufacturing a medicinal product intended for treating cancer.

Group 6, claim(s) 24, 26, drawn to the special technical feature of use of a peptide compound for manufacturing a medicinal product intended for immunization ex-vivo.

Group 7, claim(s) 24, 27 drawn to the special technical feature of use of a peptide compound for manufacturing a medicinal product intended for immunization in-vivo.

Group 8, claim(s) 29 drawn to the special technical feature of use of a peptide compound for increasing in culture medium, the CTL population of tumors and or inducing the secretion by said CTLs of cytotoxic factors.

Group 9, claim(s) 24, 30 drawn to the special technical feature of use of a peptide compound for manufacturing a medicinal product intended for stimulating immune defenses, in particular to incrase the CTL population of tumors and or to induce the secretion by said CTLs of cytotoxic factors.

Group 10, claim(s) 31, drawn to the special technical feature of a method for producing an antibody which recognizes a peptide compound comprising immunizing a mammal and isolating a monoclonal antibody which binds to said peptide.

Group 11, claim(s) 32, 34-36, drawn to the special technical feature of a monoclonal antibody, diagnostic kits comprising said antibody, and a pharmaceutical composition comprising said antibody.

Group 12, claim(s) 33, drawn to the special technical feature of a method for detecting a peptide or polypeptide encoded by the ORF+1 of iCE comprising bringing a sample removed from an individual into contact with a monoclonal antibody and detecting said peptide or polypeptide by means of a detectable label.

The inventions listed as Groups 1-12 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups 1-12 encompass different special technical features as identified in the groupings above. The inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because under unity of invention between different categories of inventions unity of invention will only be found to exist if specific combinations of inventions are present. Those combinations include:

A) A product and a special process of manufacture of said product.
B) A product and a process of use of said product.
C) A product, a special process of manufacture of said product, and a process of use of said product.
D) A process and an apparatus specially designed to carry out said process.
E) A product, a special process of manufacture of said product, and an apparatus specially designed to carry out said process.

However, the allowed combinations do not include multiple products, such as antibodies, peptides, and DNA and/or multiple methods of using said products, as claimed in the instant application. Hence, only one product and one process of use of said product relate to a single general inventive concept. In the instant case, the peptides of Group 1 include one process of use of said peptides as set forth and claimed in Claim 4. Since multiple products and multiple methods with different special technical features are claimed, the first invention of the category first mentioned in the claims of the application will be considered as the main invention in the

claims, see PCT article 17(3) (a) and 1.476 (c), 37 C.F.R. 1.475(d). Accordingly, Groups 1-12 are not so linked as to form a single general inventive concept and restriction is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 703-305-7143. The examiner can normally be reached on M-F, 8:30-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Gary B. Nickol, Ph.D.
Examiner
Art Unit 1642

GBN
March 23, 2003